

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALICE CREACH AND LUTHER CREACH,
H/W

vs.

FASHON BUG OF WALNUTPORT, INC. d/b/a
FASHION BUG; ARMO, INC.; BLACKSHIRE
CONSTRUCTION, INC.; RD MANAGEMENT
CORP.; ECKERD'S OF PENNSYLVANIA,
INC. d/b/a ECKERD STORE NUMBER 5849

CIVIL ACTION NO.:

ALICE CREACH AND LUTHER CREACH,
H/W

vs.

FASHON BUG OF WALNUTPORT, INC. d/b/a
FASHION BUG; ARMO, INC.; BLACKSHIRE
CONSTRUCTION, INC.; RD MANAGEMENT
CORP.; ECKERD'S OF PENNSYLVANIA,
INC. d/b/a ECKERD STORE NUMBER 5849

COURT OF COMMON PLEAS
Philadelphia County

March Term, 2002
No. 3651

TO: THE HONORABLE JUDGES OF THE DISTRICT COURT FOR
EASTERN DISTRICT OF PENNSYLVANIA

As removing party, Eckerd Corporation d/b/a Eckerd Drugs (incorrectly designated as Eckerd's of Pennsylvania, Inc. d/b/a Eckerd Store Number 5849), files this Notice of Removal of the above captioned matter from the Court of Common Pleas, Philadelphia County, the Court in which it is now pending to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendant, avers as follows:

1. This action was commenced by way of Complaint filed in the Court of Common Pleas, Philadelphia County on or about April 26, 2002, and docketed as March Term, 2002, No.

3651. (A true and correct copy of plaintiffs' Complaint is attached hereto and marked as Exhibit "A").

2. This notice is timely, having been filed within thirty (30) days of plaintiffs serving the Complaint on defendant, Eckerd Corporation d/b/a Eckerd Drugs, which service was made on or about May 29, 2002.

3. At the time this action was commenced and continuing to the present, defendant, Eckerd Corporation d/b/a Eckerd Drugs, is a corporation organized under the laws of the State of Delaware and having its principal place of business in Largo, Florida.

4. Based upon the allegations in the Complaint, at the time this action was commenced and continuing to the present, plaintiffs, Alice and Luther Creach, were citizens of the State of New Jersey.

5. Based upon the allegations in the Complaint, at the time this action was commenced and continuing to the present, defendant, Fashion Bug of Walnutport, Inc., is a corporation organized under the laws of the State of Pennsylvania and having its principal place of business in Bensalem, Pennsylvania.

6. Based upon the allegations in the Complaint, at the time this action was commenced and continuing to the present, defendant, Armo, Inc., is a corporation organized under the laws of the State of Pennsylvania and having its principal place of business in Bensalem, Pennsylvania.

7. Based upon the allegations in the Complaint, at the time this action was commenced and continuing to the present, defendant, Blackshire Construction, Inc., is a corporation organized under the laws of the State of Pennsylvania and having its principal place of business in Philadelphia, Pennsylvania.

8. Based upon the allegations in the Complaint, at the time this action was commenced and continuing to the present, defendant, RD Management Corp., is a corporation organized under the laws of the State of New York and having its principal place of business in Manhattan, New York.

9. Moving defendant, believes and therefore avers that the amount in controversy, based upon the allegations in the Complaint will exceed the jurisdictional amounts required for jurisdiction to exist in District Court exclusive of interest and costs.

10. This action is removable from State Court to this Court based upon diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441(a).

11. This Court has full and exclusive jurisdiction over this case which involve the aforementioned federal acts. Wherefore, moving defendant, Eckerd Corporation d/b/a Eckerd Drugs, respectfully requests that the above-captioned action be removed from the Court of Common Pleas, Philadelphia County to the District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

MINTZER, SAROWITZ, ZERIS, LEDVA &
MEYERS

BY: _____
LAWRENCE S. SAROWITZ, ESQUIRE
Attorney for Defendant(s):
ECKERD CORPORATION D/B/A ECKERD
DRUGS (incorrectly designated as Eckerd's of
Pennsylvania, Inc., et al)
1528 Walnut St., 22nd Flr.
Philadelphia, PA 19102-3686
(215) 735-7200/ MSZ&L File No.: 3770.0024

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CIVIL ACTION NO.:

**CERTIFICATE OF SERVICE OF
NOTICE OF FILING OF NOTICE OF REMOVAL**

I hereby certify that on June 13, 2002, I served a true and correct copy of the foregoing

Notice of Removal on the following named counsel by first class mail, postage prepaid:

Shari L. Frankfurt, Esquire
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MINTZER, SAROWITZ, ZERIS, LEDVA &
MEYERS

BY: _____
LAWRENCE S. SAROWITZ, ESQUIRE
Attorney for Defendant(s):
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